

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF BELLSOUTH MOBILITY,)	
LLC, D/B/A CINGULAR WIRELESS - KENTUCKY)	
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A WIRELESS COMMUNICATIONS FACILITY AT)	
CROWN ROCK ROAD, BIG CLIFTY, KY 42712 IN)	CASE NO.
THE WIRELESS COMMUNICATIONS LICENSE)	2004-00241
AREA IN THE COMMONWEALTH OF KENTUCKY)	
IN THE COUNTY OF GRAYSON)	
)	
SITE NAME: BIG CLIFTY)	

O R D E R

On June 14, 2004, BellSouth Mobility, LLC, d/b/a Cingular Wireless - Kentucky ("Applicant") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. On July 21, 2005, the Applicant filed an amendment to its original application for the purpose of filing exhibits for a proposed alternate site. The proposed facility consists of a self-supporting antenna tower not to exceed 290 feet in height, with attached antenna, to be located at Crown Rock Road, Big Clifty, Grayson County, Kentucky. The coordinates for the proposed alternate facility are North Latitude 37° 32' 19.35" by West Longitude 86° 9' 43.27".¹

¹ Alternate site is located on the same property as the original site, but is approximately 900 feet closer to U.S. Highway 62 and approximately 500 feet away from Crown Rock Road.

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction. The Applicant has filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

The Applicant has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. Several persons who are located near the proposed site filed comments in opposition to the originally proposed site. On August 8, 2005, the Commission granted intervention to these persons. On January 27, 2005, the Commission staff held an informal conference in Big Clifty, Kentucky to discuss this proceeding. At this conference, the Applicant proposed, and the intervenors accepted, an alternate site to locate the proposed facilities. The intervenors also agreed to withdraw from this proceeding if the Applicant amended its application to locate the proposed facilities on this alternate site. Applicant notified all intervening parties of the filing of its amended application at the time of its filing. None of the intervenors have filed objections to or requested a hearing on the amended application.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has demonstrated that a facility is

necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 290 feet in height, with attached antenna, and is to be located at Crown Rock Road, Big Clifty, Grayson County, Kentucky. The coordinates for the proposed alternate facility are North Latitude 37° 32' 19.35" by West Longitude 86° 9' 43.27".

2. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 7th day of October, 2005.

By the Commission

ATTEST:


Executive Director

Case No. 2004-00241